

PUBLIC HEARING AND REGULAR MEETING

**City of Hampton Wetlands Board
City Council Chambers, 8th floor, City Hall
June 24, 2003**

PRESENT: Chairman William M. Snider, II, Vice-Chairman William L. Wood, and Board Members Lillian Bellamy, Gayle Cozzens, and Thomas W. Morris.

ITEM I. CALL TO ORDER

and

ITEM II. ROLL CALL.

Chairman Snider called the meeting to order at 5:00 p.m. and introduced each of the Board Members. Staff persons in attendance were Staff Coordinator Brian Ballard and Sharon McSmith of the City of Hampton Planning Department, and Traycie West of the Virginia Marine Resources Commission (VMRC).

Chairman Snider explained to the public the purpose and jurisdiction of the Wetlands Board, the procedure of the meeting, and the process to appeal the Board's decisions.

ITEM III. CONSIDERATION OF MINUTES.

There being no additions or corrections, a motion was made by Vice-Chairman Wood and seconded by Board Member Morris to approve the minutes of the May 27, 2003 Wetlands Board meeting. A voice vote on the motion resulted as follows:

AYES:	Bellamy, Cozzens, Morris, Wood, Snider
NAYS:	None
ABST:	None
ABSENT:	None

ITEM IV. JOINT APPLICATIONS (PUBLIC HEARING ITEMS).

Chairman Snider read the public hearing notice on the next agenda item.

Application No. 03-0829 by Howard C. McKay to construct a 128± foot linear vinyl bulkhead on the shoreline of 19 Adriatic Avenue on Long Creek Canal, off of Long Creek, a tributary to Back River and the Chesapeake Bay.

Mr. Brian Ballard, City Planner, presented the staff report on the subject application, a copy of which is attached hereto and made a part hereof. Staff recommended approval subject to five conditions.

In response to questions by Vice-Chairman Wood, Mr. Steve Fisher of Woodchuck Marine responded in the affirmative, that he would be installing filter cloth behind the entire/complete length of the bulkhead.

There being no additional discussion, a motion was made by Vice-Chairman Wood and seconded by Board Member Cozzens to approve Application No. 03-0829 subject to the following five conditions:

1. The approved staked alignment of the proposed bulkhead shall remain in place until installation of the bulkhead.
2. Filter cloth shall be placed behind all sections of the bulkhead.
3. A silt fence shall be placed along the landward edge of the bulkhead until the fill area has been stabilized with vegetation.
4. Should construction result in any disturbance to the existing Chesapeake Bay Resource Protection buffer, the buffer shall be returned to a condition substantially similar to its pre-permit condition.
5. Maintenance of this structure shall not exceed the limits of this permit and shall be limited to materials stipulated in this permit, unless otherwise approved by the Staff Coordinator. The Wetlands Board shall be notified prior to any maintenance activity.

A roll call vote on the motion resulted as follows:

AYES:	Bellamy, Cozzens, Morris, Wood, Snider
NAYS:	None
ABST:	None
ABSENT:	None

ITEM IV. JOINT APPLICATIONS (Continued).

Chairman Snider read the public hearing notice on the next agenda item.

Application No. 03-1109 by the City of Hampton to place 250± square feet of fill in an existing tidal drainage ditch located on the south side of Beach Road, east of its intersection with Lewis Lane and adjacent to the rear of 400 Beach Road, and to dredge 370± linear feet of existing tidal drainage ditch adjacent to the rear of the following properties: Nos. 700, 704, 706, 710 Beach Road, and to place 80± square feet of riprap fill at the eastern end of the dredging area and adjacent to the rear of 712 Beach Road. The ditch drains into Wallace Creek, a tributary to Back River and the Chesapeake Bay.

Mr. Ballard presented the staff report, a copy of which is attached hereto and made a part hereof. He stated that the VIMS report noted that this project will cause minimal wetlands impact. Staff recommended approval subject to 3 conditions.

Vice-Chairman Wood questioned how transferring the water to the other side of Hall Road is going to alleviate the problem of standing water elsewhere. He does not think the project is going to do anything different than create a retention pond on the other side of Hall Road. On the other side of Wallace Creek seems to be where the problem is; digging as proposed will only allow more water to pocket elsewhere.

Mr. Chuck Fleming, Stormwater Engineer for the City of Hampton, stated as flat as the area is, it will not be completely drained, but they believe this project will help dissipate the water better and not stand in the yards behind the houses between Hall and Willow Roads. They tried to pave the ditch about 15 years ago but were not allowed to and now a lot of the area is prime wetlands.

In response to additional questions by Vice-Chairman Wood, Mr. Steve Walls, of Environmental Specialties Group (ESG) of Newport News, stated there still will be some water that stands in the ditch after this project is complete; the City's goal is to balance the environmental concerns in the area with the engineering constraints. Further up the ditch there are higher properties/upland areas that border the ditch that hold the water; from a water quality perspective they are trying to maintain some of the existing ditch rather than just shooting the ditch straight down and emptying all of the pollutants into deep water. We think if we can get the water through the phragmites area down to the more natural tidal wetlands where it drops some in elevation, and as it goes through that congested phragmites area, it will dissipate across wetlands where it couldn't dissipate within the upper regions of the ditch. It is not a perfect solution but it will alleviate some distinct concerns.

Chairman Snider stated that there was a 1.5' fall from Willow to Hall Roads over 15 years ago, and there is standing water in the ditch all the time. The ditch is not tidal, only tidally influenced during storm events. If you start at Hall Road and go east 370' the ditch is totally choked there with weed and brush and it is only 4' wide. We will be trading one retention pond by Lewis Lane for a bigger retention pond behind 700-712 Beach Road with a riprap buffer.

Mr. Walls stated the riprap will not be a wall but an apron across the ditch to help dissipate the water.

In response to Chairman Snider's statement that until you do something with the phragmites and get the water moving further east, you are only "robbing Peter to pay Paul," Mr. Walls stated we are still going to have an area upstream of this project that is still going to hold water; you will have that one way or another. The improvements are going to take the drainage through the biggest choke point which is the area 350' immediately downstream of Hall Road where most of the phragmites is; we are going to go through the phragmites down into the more natural area where there are lots of

flora and less phragmites which indicates a lower elevation. We are going to be breaking through the choke point and it is still going to hold water but we think it will more effectively and efficiently move more water across the top.

In response to Chairman Snider's statements that generally behind 712 Beach Road there will be riprap and the project will go only 15-20' into the phragmites, then there are more phragmites that will stop the flow of water—there is always water in the ditch generally from Holston to Hall Roads, and there will be no benefit only the creation of a retention pond, Mr. Walls stated the project will provide some drainage relief there – it is a balance. If you connect the project all the way through to tidal waters, which would be the best engineering solution, you will complicate the area from an environmental standpoint. Staff has already received negative feedback from various agencies about taking a developed area and shooting the drainage straight into a tidal waterway. VIMS and staff recognize the impacts associated with this project are minimal from an environmental perspective and there is some drainage benefit, though it is not a perfect solution.

In response to Vice-Chairman Wood's concerns about the purpose and benefit of digging two feet deep when it does not allow water to pass through the phragmites, Mr. Walls stated when requesting to dredge you include a little bit of "over dredge" because there is going to be an accumulation of material and if you only dredge 1' deep you would be out there twice as often maintaining the ditch. He stated that phragmites retards the flow of water but does not prevent it – it slows the flow but does not dam the flow. The water does not flow better now because east of Hall Road is a tremendous bottleneck and the ditch has become almost undefined. There are two bottlenecks, one at Hall Road and one further down; we are transferring two bottlenecks into one.

In response to Vice-Chairman Wood's concerns about the water not moving now and what would be the benefit of digging two feet deeper, Mr. Fleming stated there will be standing water but some of it will get out.

In response to questions by Board Member Bellamy concerning the amount of water that will be present after the project, Mr. Fleming stated they are trying to alleviate the water between Willow and Hall Roads, and that more water will be getting out.

Mr. Walls stated there will be standing water, but the point is there now is standing water backed up on property that they hope will be taken out of the yards and into the ditch; the volume of floodwater on the yards will be less, but there will be more water standing in the ditch because it is deeper and wider but there will also be more going out of the ditch.

Chairman Snider stated the purpose of the project is to get as much water out of the area faster during a storm event.

In response to Board Member Cozzens' statement that this will create problems for some homeowners, Chairman Snider stated that the people who will be impacted the most are those homeowners from Hall Road to 712 Beach Road and none of them have publicly expressed opposition to the project. Some people will see some benefit but not the people closest to Hall Road because of the phragmites choking the ditch.

Vice-Chairman Wood stated we have issued permits in the past to go across phragmites and marsh grass; if the problem is past 712 Beach Road, then that is the problem we should address.

Mr. Ballard suggested the Board consider tabling action on the proposed project to allow the applicant to look at a possible redesign and relocation or expansion of the project.

Chairman Snider stated that 15 years ago someone stopped the project behind 712 Beach Road due to a concern about the salt marsh to the east which is now a stand of phragmites.

In response to Chairman Snider's question concerning whether the applicant ended the proposed project where it did because of that prior project, Mr. Fleming stated they were uncertain if the proposed project would get approved if they took it further east.

Chairman Snider stated it may be beneficial to see if the project could be extended further east so there will be no standing water.

No one from the public wished to speak.

There being no additional discussion, a motion was made by Vice-Chairman Wood and seconded by Board Member Morris to table Application No. 03-1109 until the project is researched, and possibly redesigned, in relation to taking the project further east to address the major problems of the drainage ditch. A roll call vote on the motion resulted as follows:

AYES:	Bellamy, Cozzens, Morris, Wood, Snider
NAYS:	None
ABST:	None
ABSENT:	None

ITEM V. STAFF REPORT.

Hampton University

Mr. Ballard stated he has been working with MSA, P.C. and the University to create a planting plan, as discussed last month, that would entail filling in the toe area between the riprap and the existing fringe marsh area and also looking at an alternative site to

create additional wetlands. Everyone agrees with the plan but we are still waiting on the engineer to create the plan, but we are making progress.

In response to a question by Chairman Snider concerning the pace of the progress, Mr. Ballard stated the University has received a conditional Certificate of Occupancy for the dormitory adjacent to the original project but the final C.O. will not be issued until all requirements have been met, including the subject planting plan.

Community Plan

Mr. Ballard stated that there are on-going Community Plan checkpoint meetings that are open to the public. The main purpose is for staff to get feedback from the public on the goals the focus groups have come up to see if they are in line with the goals of the general public. He stated that everyone is welcomed and encouraged to attend any of the meetings.

ITEM VI. MATTERS BY THE BOARD MEMBERS.

There were no additional matters presented by the Board.

ITEM VII. MATTERS BY THE PUBLIC.

Mr. Gene Cone, 1341 Coral Place, stated he has spoken to the Wetlands Board month after month, year after year, about the City of Hampton destroying wetlands on his property and on the City's property because the trees are going into the water. He stated that the Board chastises others but when the City of Hampton does something wrong nothing is done and nothing is said.

Ms. Traycie West of the Virginia Marine Resources Commission stated there is new legislation taking effect on July 1, 2003 regarding private piers. Although the Board has no authority over private piers, the Board does receive questions about them and therefore needs to be aware of the new legislation. Private piers will no longer qualify for exemption if they are greater than 6' wide and have terminal features that total greater than 250 square feet. They will no longer automatically be approved and they will have to go through a more stringent permitting process.

In response to a question by Chairman Snider concerning the King William Reservoir, Ms. West stated that Newport news requested VMRC reconsider its previous motion and the Board voted against the reconsideration; she suspects that the next step will be Court.

She will forward a copy of the private pier legislation to Mr. Ballard to provide copies to the Board.

ITEM VIII. ADJOURNMENT.

There being no additional business, the meeting was adjourned at 5:48 p.m.

Respectfully submitted,

Brian Ballard, City Planner
Secretary to the Board

APPROVED BY:

William M. Snider, II, Chairman
Hampton Wetlands Board